

LAKE CHAMPLAIN BASIN PROGRAM

Policy and Guidelines on Conflicts of Interest - Fall, 2010

The Reviewer Guidelines below apply to all operations of the LCBP, including the External Review of funding proposals and to members of the Committees of the LCBP who are involved in reviews or funding decisions. Guidelines on Conflict of Interest are to be used when developing RFPs, evaluating proposals and reports and recommending funding awards. Committee members who are provided confidential information must take personal responsibility to avoid conflicts of interest.

Introduction

The purpose of these Guidelines is to ensure that activities, particularly those related to distribution of funds, are conducted in a fair manner and that there is neither a motivation, nor an appearance of a motivation, for private gain. These guidelines apply to activities of all LCBP staff, Steering and Advisory Committee members and external peer reviewers, as Requests for Proposals (RFPs) are developed and proposals and reports are reviewed and evaluated, and funding decisions are made.

Guidelines

1. Standards of conduct and conflict of interest laws pertain to Government officers, employees and “Special Government Employees” employees, experts, and consultants. **All** LCBP Committee members are responsible for adhering to these Guidelines on Conflicts of Interest and are encouraged to consult with the LCBP Manager or refer to *40 CFR Part 3, Subpart F -- Standards of Conduct for Special Government Employees* if further guidance is needed.
2. All LCBP Committee members are forbidden (under 18 USC 208) to participate “personally and substantially” in any “particular matter” in which they have a financial interest. A close relationship (business or familial) with any proposer in an RFP process constitutes conflict of interest.
3. Individuals who contribute to developing a “Request for Proposals” may not respond to that same request in any capacity, *including* provision of letters of support.
4. Individuals may not participate in any review of a task implemented by someone with whom they have an employer-employee relationship, or who is from the same organizational entity, specifically:
 - Department within an Agency (Vermont State Government)
 - Department within a Municipal or County Government
 - Ministry (Quebec Government)
 - Division within a Department (New York State Government)
 - Academic department within a College or University,
 - Institution, such as a Conservation District or a formal Coalition, or
 - Organization, such as a Commission or Non-profit or For-profit Corporation

that has a proposal originating from an RFP process or a contractual deliverable under consideration by that panel. Recusal from participation requires absence from the discussion; presence is considered participation.

5. No member of the Steering Committee or Advisory Committee and its subcommittees may vote or participate in the peer review of any matter involving his or her own organizational entity; refer to the bullets listed in (4) above. *.... continued*

6. No member of the Steering Committee or Advisory Committees or its subcommittees may participate or vote on any matter involving a conflict of interest. For example, a member may not comment or vote on the award of a contract for which that member's organizational entity has submitted a proposal.

7. **All LCBP Committee members and external peer reviewers must treat all materials during an RFP, technical work plan review or Grant Review process as strictly confidential.** Violation of that confidentiality constitutes a conflict of interest if it potentially gives unfair advantage to any party *or* releases information pertaining to or the identities of applicants or confidential peer reviewers.